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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,108	07/06/2000	Jose Uemura	2705-107	4929

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1030 SW Morrison Street  
Portland, OR 97205

EXAMINER

PIZARRO, RICARDO M

ART UNIT PAPER NUMBER

2661

DATE MAILED: 03/12/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/611,108

Applicant(s)

UEMURA ET AL.

Examiner

Ricardo M. Pizarro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29-54 is/are allowed.
- 6) ☒ Claim(s) 1,2,6,15-18 and 22-25 is/are rejected.
- 7) ☒ Claim(s) 3-5,7-14,19-21 and 26-28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claims 2-7, 15-21, 22-28 are objected to because of the following informalities and it is suggested to applicant:

In claim 2 line 4 insert “corresponding” before –signaling”, in line 5 insert “corresponding” before the second occurrence of –signaling- .

In claim 4 line 2 replace the first occurrence of “signaling” with –signal-, insert “corresponding” before the second occurrence of –signaling-, in line 3 replace “signaling” with –signal-.

In claim 5 line 3 replace “the” with –a-.

In claim 15 line 2 replace “the” with –a-, in line 3 insert “plurality of” before –event-, in line 4 replace “the” with –an-.

In claim 22 line 2 replace “the” with –a-, in line 5 replace “the” with –an-.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

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do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-2,6 are rejected under 35 U.S.C. 102(e) as being anticipated by Hughes.

US patent no. 5,835,494 ( Hughes et al) discloses a multi-level scheduler comprising a plurality of framer farms ( plurality of calendar devices 112, 114 including a desired service time col 6 lines 30-31) adapted to generate a corresponding plurality of event signals responsive to as corresponding plurality of signaling events, an event manager ( control unit 106 , col 5 lines 65) adapted to sequence the plurality of event signals, as in claim 1; a plurality of framers (adapted to receive corresponding plurality of digital signals and extract corresponding signaling data and generate a corresponding event signal responsive to the signaling data, a signaling queue adapted to queue the signaling data , a signal register adapted to read the signaling queue ( i.e. calendars include a plurality of entries each associated with a cell slot, col 3 lines 52-53), as in claim 2; the event manager comprising an event queue adapted to queue the plurality of event signals ( control unit 106 and service queue in Fig. 2, col 8 lines) and a status register adapted to maintain a status of the event queue ( next connection table includes entries 248 that comprises both head and tail pointers 244 and 246, col 8 lines 37-41) that , as in claim 6.

4. Claims 15-18, 22-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Hughes.

US patent no. 5,835,494 ( Hughes et al) discloses a multi-level scheduler comprising

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An event manager ( control unit 106) comprising an event queue (service queue in Fig.2, col 8 lines 31-41) adapted to queue a plurality of event signals, a status register adapted to maintain a status of each of the event signals and an event register adapted to read an event queue, as in claims 15, 22; wherein the event queue is a circular queue ( calendar queues) , as in claims 16, 23; the event register comprises a frame identification field, as in claims 17, 24; wherein the event manager includes an event read and write pointers ( pointers 244 and 246 in Fig. 2),, as in claim 18, 25.

***Allowable Subject Matter***

5. Claims 29-54 are allowed.

Claims 3-5,7-14,19-21, 26-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Please notice objection to claims under 37 CFR 1.75.

***Conclusion***

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314

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(for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is (703) 305-1121. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM. The fax number for this Group is (703) 872-9314.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Douglas Olms**, can be reached on (703) 305-4703.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

March 1, 2004

*Ricardo M. Pizarro*



DOUGLAS OLMS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600